

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KNIGHTSCOPE, INC.,

Plaintiff,

v.

CAPYBARA RESEARCH, IGOR
APPELBOOM, and ACCRETIVE
CAPITAL LLC d/b/a BENZINGA,

Defendants.

Civil Action No. 1:23-cv-11050 (DLC)

DECLARATION OF SERVICE

I, Waleed Amer, declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney at The Basile Law Firm, P.C., counsel to Plaintiff Knightscope, Inc. (“Plaintiff”) in the above-captioned action.

2. On March 5, 2024, the Court entered an Order (ECF No. 25, hereinafter, the “Order”) instructing Plaintiff to: (1) file a motion for default judgment against Defendant Accretive Capital LLC d/b/a Benzinga (“Benzinga”) by March 13, 2024, (2) serve the Order and the motion for default judgment on Benzinga and to file proof of such service on ECF on or before March 15, 2024, and (3) to serve the Order on Defendant Capybara Research (“Capybara”) and file proof of such service on ECF on or before March 15, 2024.

3. On March 13, Plaintiff filed its motion for default judgment against Benzinga. ECF No. 29-33 (the “Motion”).

4. Pursuant to the Order, on March 14, 2024, Plaintiff sent a true and correct copy of the Motion to Benzinga’s registered agent via Federal Express Priority Overnight mail to the following address:

National Registered Agents, Inc.
% Accretive Capital d/b/a Benzinga
1209 Orange Street
Wilmington, Delaware 19801
FedEx Tracking Number: 272177953246

The Motion was delivered to Benzinga's registered agent on March 15, 2024 at 10:33 a.m. A true and correct copy of the Federal Express receipt and proof of delivery showing service of the Motion on Benzinga is attached hereto as **Exhibit 1**.

5. On March 14, 2024, by endorsement of Plaintiff's letter to the Court (ECF No. 35), and by further verbal confirmation by telephone to Plaintiff's counsel, the Court extended its authorization of alternate service on Capybara, thereby permitting Plaintiff to serve the Order on Capybara via the alternate means previously authorized in the Court's Order dated January 29, 2024 (ECF No. 20).

6. Accordingly, on March 14, 2024, Plaintiff, through its counsel, served the Order on Capybara via electronic publication through Capybara's X (f/k/a Twitter) account, @CapybaraShort, pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure, providing Capybara with actual notice of the Order. A true and correct copy of the electronic publication on X through Capybara's X account, @CapybaraShort, is attached hereto as **Exhibit 2**.¹

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15, 2024.

/s/ Waleed Amer
Waleed Amer, Esq.

¹ The screenshot images in Exhibit 2 indicate that shortly after service via electronic publication was effectuated, Capybara took the affirmative step of "untagging" himself from the X post, thereby further demonstrating that Capybara received actual notice of the Order.